

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA,)	
INC.,)	
)	No. 1:11-cv-08808
Plaintiffs,)	
)	Judge Charles R. Norgle
v.)	
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG)	
MARKETERS, INC., CAL-MAINE)	
FOODS, INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

JOINT MOTION TO ADVANCE HEARING AND RESET TRIAL DATE

On September 20, 2022, the Court entered an order striking the previously-set trial date of October 24, 2022 (the “Court’s Order”). (Dkt. 213.) The Court’s Order further scheduled a telephonic status hearing on October 24, 2022 to reset the trial date. In light of the Parties’ extensive pre-trial efforts that preceded the Court’s Order and the need to coordinate the appearances of dozens of witnesses and preserve client resources for this complex five-week trial involving eight Parties and their counsel, the Parties respectfully request that the Court conduct a hearing on Friday, September 23, 2022 at 10:30am, or at the Court’s earliest convenience, to reset the trial date. In further support thereof, the Parties state the following:

1. Beginning in the Spring 2022, after the Court set the initial trial date, the Parties began collaborating in earnest to streamline this complex case and minimize the number of pretrial disputes to be resolved by the Court. In doing so, the Parties have successfully resolved multiple motions *in limine*, entered into 15 trial stipulations, and continue to coordinate on the submission of a joint pretrial order, currently due on September 28.

2. At the time of the Court's Order, the Parties were separately involved in extensive pretrial preparations, including the preparation of multiple out-of-state witnesses. They had also finalized arrangements for the re-location of multiple trial teams to Chicago.

3. In light of the Court's Order, the Parties seek to ascertain whether ongoing trial preparations should be put on hold temporarily in order to preserve client resources. This decision will be based largely on the extent of the delay the Parties will face once a new trial date is set.

4. The Parties understand that a hearing has been scheduled for October 24, 2022, to reset the jury trial, but are concerned that by waiting until this date it will make it difficult to quickly reschedule the trial given logistical issues, such as ensuring witness availability and making arrangements for out-of-town counsel and witnesses.

5. The Parties appreciate that Covid issues and protocols have injected significant uncertainty into the judicial process. Mindful of this, the Parties request a prompt hearing with the Court to discuss alternative available trial dates so

appropriate allocation of client resources may be made and the requisite planning can be done.

6. Pending the Court resetting the trial date, the Parties request that all deadlines, including the parties' scheduled exchange on September 21, 2022, the September 28, 2022 deadline for the submission of the Pretrial Order, and the October 6, 2022 telephonic oral argument on Pretrial Order, be held in abeyance. Once a trial date is set, the Parties will confer and submit a proposed order resetting pretrial dates for the Court's consideration, which will include deadline for replies in support of the motion to bifurcate and the *Santiago* proffer.

7. The Parties also request a referral to a magistrate judge after the Court has ruled on the *Santiago* proffer and certain motions *in limine* to assist with evidentiary objections over exhibits and deposition. The Parties will be prepared to inform the Court which motions *in limine* they view as important to rule on before any referral.

WHEREAS, the Parties respectfully request a hearing on Friday, September 23, 2022, at 10:30 am, or at the Court's earliest convenience, to reset the trial date for a date certain.

September 21, 2022

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Respectfully submitted,

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